

REMARKS

This Amendment is in response to the Office Action of January 12, 2007. In the Office Action, Claims 1-18 were indicated to be pending, and Claims 1-13 and 17 were indicated to be withdrawn from consideration. Claims 14-16 and 18 were rejected. With this Amendment, Claims 14, 17 and 18 are amended, new Claims 19-20 are added, and Claims 14-16, and 18-20 are presented for reconsideration and allowance. New Claims 19-20 are similar to Claims 15 and 16.

Election/Restriction

The Examiner indicated that the applicant elected the species of "FIG. 6 - 8". Applicant believes the Figures listed for the elected species is incomplete. Applicant's records show that Applicant elected the species of FIGS. 6 -18.

The Examiner noted that the Applicant amended Claim 1 to depend from Claim 14. The Examiner noted that Claim 1 includes pivotable arms used to pivot closure members and a rear cross beam into at trunk of a vehicle. The Examiner noted that Claim 14 includes limitations to a fixed roof and suggested that implied that a rear cross beam would also be fixed and not be pivotable to a different position.

Applicant's disclosure of FIGS. 6-18 discloses that "However, it should be understood that the structure of the second embodiment can easily be integrated into the basic idea of the first embodiment (disclosure, page 5, lines 11-13)." Applicant's disclosure of FIGS. 6-18 also discloses "Each longitudinal guide track 20 could be separated into two parts, one in the cassette below the fixed panel 11 and one at the fixed roof. This could be done to allow the cassette to move away into the trunk together with the panels of 8-10' if they are in the rear part of the guide track (disclosure, page 5, lines 27-32)." Applicant's disclosure of FIGS. 6-18 also discloses "In case the cassette is movable, the cassette with the panels may then be moved into the trunk of the vehicle as explained with reference to Figs. 1-6" (disclosure, page 9, lines 19-22). Figure 8 of the disclosure shows a rear cross beam (located at the lowest portion of Figure 8 approximately 1.3 inches to the left of the reference numeral "4", and the rear cross beam is

separate from a fixed panel 11 in Figure 8, and this rear cross beam could be made movable since it is separate from the fixed panel. So it is not implied that a cross beam is fixed because a fixed panel 11 is fixed.

Regarding a "fixed roof panel," it is further noted that the term "fixed" does not imply that this part is fixed to the rest of the vehicle, but that this roof panel does not participate in the movement of the roof panels to open and close the roof opening.

Claim 1 (of non-elected species) therefore properly depends from Claim 14, as presently amended. At least Claim 14 is considered generic to both the species of FIGS. 6-18 and the species of FIGS. 1-5. Upon allowance of Claim 14, applicant requests consideration of the claims drawn to the non-elected species. MPEP 809.02.

#### Claim Rejections - 35 USC 112, second paragraph

Claim 14 was rejected under 35 USC 112, second paragraph, because the limitations "the fixed panel" and "the slide" were considered to lack antecedent basis. With this Amendment, Claim 14 is amended to refer to "a fixed roof panel." With this Amendment, Claim 14 is amended to refer to "slide shoes." Withdrawal of the rejection to Claim 14, and allowance of Claim 14 is therefore requested.

Claim 18 was rejected under 35 USC 112, second paragraph, because the Claim was considered to be not dependent from a previous claim. With this Amendment, Claim 18 is amended to include limitations so that it properly depends from Claim 14. Withdrawn Claim 17 is also amended, in anticipation of possible examination of the non-elected species under MPEP 809.02. Withdrawal of the rejection to Claim 18, and allowance of Claim 18 is therefore requested.

#### Claim rejections - 35 USC 102

Claims 14, 15, 16 and 18 were rejected under 35 USC 102(b) over Reinsch et al. U.S. Patent 5,421,635.

With this Amendment, Claim 14 is amended to include limitations to the closure elements having side sections, the side sections of two adjacent closure elements being in sliding engagement with each other when these adjacent closure elements are in stacked position.

Reinsch et al. does not disclose closure elements having side sections, the side sections of two adjacent closure elements being in sliding engagement with each other when these adjacent closure elements are in stacked position.

Claim 14, as presently amended, and dependent Claims 15, 16, 18, are therefore believed to be novel and patentable. Withdrawal of the rejection, and reconsideration and allowance of amended Claim 14 are therefore requested.

This feature has the advantage that the closure elements are not only guided by storage tracks, but also by each other. This improves control of the closure elements in the stacked position, while it is also a manner of reducing the stacking height as the panels are kept in close proximity through their side sections.

If Claim 14 is found to be allowable, then examination of the nonelected claims is also requested.

The Application appears to be in condition for allowance, and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

David C. Bohn, Reg. No. 32,015  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312